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Crl.O.P.No.344 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.344 of 2025

Aatiswaran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Gummidipoondi PEW,
Tiruvallur.

(Crime No.164 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.164 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.V.P.Bharath

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No.164 of 2024 registered for the offences punishable under Sections 8(c), 20(b)(ii)(C), 29(1) & 25 of Narcotic



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Drugs and Psychotropic Substances Act, 1985, is on board for consideration.

2. The incarceration of the petitioner/A4 being from 18.04.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He submits that other than being the neighbour of A2/Vivek, the petitioner has no role to play in this case. He submits that at the request of the said Vivek, the petitioner has transferred a sum of Rs.2,29,700/- to the account of Vivek through Google Pay. He also submits that as per the prosecution, the amounts were sent in part over a period from 24.02.2024 to 14.04.2024 and not in lumpsum and that the petitioner was not aware that the said Vivek was involved in drug trade and there is no recovery from the petitioner. He also submits that other than the confession, there is no material to show that the petitioner was connected to the crime. He further submits that in respect of similarly placed accused, who is said to have financed the other accused, this Court has granted bail in Crl.O.P.No.28516 of 2024 dated 25.11.2024, and further that the petitioner has no previous cases under NDPS Act. He also submits that the petitioner, without prejudice to the defence and contention, is ready and willing to deposit a sum of Rs.10,000/-, to any welfare scheme of the Government or any other organization. He further submits that the



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petitioner is ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that on 18.04.2024, on specific information, the respondent police intercepted the lorry viz., Ashok Leyland bearing Reg.No.TN-52-H-6595 found two persons illegally transporting 32 kgs of ganja. During the course of investigation, it came to light that A3 had financed A1 and A4/petitioner had financed A3 and that the petitioner herein had sent an amount of Rs.2,29,700/- to A2 on different dates. He would submit that the major part of the investigation is over.

4. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, to the credit of "**District Legal Services Authority, Thiruvallur District**", without prejudice to the right of defence before the Trial Court and making it clear that it would not amount to admission of guilt.



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5. Further, having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and taking note of the fact that there is no recovery from the petitioner and that the petitioner has satisfied the condition required under Section 37 Cr.P.C., this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **District Court, Goomidipondi, Tiruvallur**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

22.01.2025

Anu

To

1. The District Court, Goomidipondi, Tiruvallur
2. The Inspector of Police,
Gummidipoondi PEW,
Tiruvallur.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Anu

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